



CITY OF ATLANTA

SHIRLEY FRANKLIN
Mayor

DEPARTMENT OF LAW
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LINDA K. DISANTIS
City Attorney

August 16, 2004

04-C -1444

President Pro-Tempore Ceasar Mitchell and
Members of the Atlanta City Council
City Hall, Suite 2900 South
68 Mitchell Street
Atlanta, Georgia 30303

RE: Scheduled Atlanta-Fulton County Water Resources Commission Public Hearing

Dear President Pro-Tempore Mitchell and Members of Council:

In accordance with Section 36-60-13 of the Official Code of Georgia Annotated (O.C.G.A.), the City has scheduled a public hearing for 1 p.m. today at the City of Atlanta Council Chambers regarding the intent by the Atlanta-Fulton County Water Resources Commission ("Commission") to acquire real property under a multiyear lease/purchase contract. The Commission is a joint venture between the City of Atlanta and Fulton County, Georgia convened to monitor and manage the North Area Water Treatment Plant. The real property to be acquired by the Commission will be located at 9750 Spruill Road, Alpharetta, Georgia 30022 and will be used as an emergency, onsite power system capable of delivering electricity during an extended electrical utility outage at the Commission's North Area Water Treatment Plant.

Subsequent to placing the advertisement, the City was advised by its Co-Joint Venturer in the Commission, Fulton County, that the transaction will be restructured. This restructuring causes the transaction to fall outside the lease/purchase statute at issue.

Based upon the restructuring of the proposed transaction, it is the considered opinion of the Law Department and the legal advisors to the Commission that the public hearing is not required. Specifically, the statute under which the advertisement was made requires notice and a public hearing when a governmental entity desires to acquire real property under a lease/purchase transaction. As restructured, the property to be acquired is the personalty of the corporate members of the Commission; and, therefore, this transaction is not subject to the public hearing requirement. Thus, the scheduled public hearing should be cancelled.

If you have any questions, please feel free to contact the Law Department for further information.

Sincerely,

Linda K. DiSantis
City Attorney

cc: Rhonda Johnson, Municipal Clerk

04-C-1444
(Do Not Write Above This Line)

A COMMUNICATION BY CITY
ATTORNEY LINDA K.
DISANTIS:

SUBMITTING A WRITTEN
OPINION OF THE LAW
DEPARTMENT REGARDING
SCHEDULED ATLANTA-
FULTON COUNTY WATER
RESOURCES COMMISSION
PUBLIC HEARING.

Filed by Full Council
8/16/04
w/o objection

- ☐ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☐ PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

Committee

Date

Chair

Action
Fav, Adv, Hold (see rev. side)
Other

Members

Committee

Date

Chair

Action
Fav, Adv, Hold (see rev. side)
Other

Members

Refer To

Refer To

Committee

Date

Chair

Action
Fav, Adv, Hold (see rev. side)
Other

Members

Committee

Date

Chair

Action
Fav, Adv, Hold (see rev. side)
Other

Members

Refer To

Refer To

- FINAL COUNCIL ACTION
☐ 2nd ☐ 1st & 2nd ☐ 3rd
Readings
☐ Consent ☐ V Vote ☐ RC Vote

CERTIFIED

AUG 16 2004

ATLANTA CITY COUNCIL PRESIDENT

John M. Funder

AUG 16 2004

David D. Johnson
MAYOR'S ACTION